

REMARKS

The Applicants thank the Examiner for the careful examination of this application and respectfully requests the entry of the amendments indicated hereinabove. This 116 Amendment is submitted in order to respond to the Examiner's Office Action dated 11/13/03 and to prepare this case for appeal. Claims 1 – 17 are pending and rejected. Claims 2, 9, and 17 are amended hereinabove.

Claim 1 positively recites a hard protective film overlaying the surface of the resonance film. In addition, Claim 1 positively recites the hard protective film having a thickness that is substantially less than the sensing range. These advantageously claimed features are not taught or suggested by the patent granted to Herrmann et al.

The Applicants respectfully traverse the indication in the Office Action (pages 2-3) that the advantageously claimed hard protective film is described in column 2 lines 27 – 42. The Applicants submit that the metal oxide layer described in that portion of the Herrmann patent is an attachment layer (column 2 lines 33-65) and therefore – by definition – not a hard protective layer. Since making hard coatings is difficult and expensive it is logical that Herrmann would not teach or suggest the use of the advantageously claimed hard protective coatings.

The Applicants also submit that the metal oxide layer described in that portion of the Herrmann patent does not have a thickness (column 2 lines 36-38) that is substantially less than the sensing range as advantageously claimed.

The Applicants respectfully traverse the indication in the Office Action (page 3) that Herrmann teaches the use of silicon carbide, diamond-like carbon, silicon nitride, titanium nitride, aluminum nitride, beryllium oxide, and tantalum oxide in column 2 lines 41-42.

Therefore, the Applicants respectfully traverse the Examiner's rejection of Claim 1 and respectfully assert that Claim 1 is patentable over Harrmann et al. Furthermore, Claims 2 - 8 are allowable for depending on allowable independent Claim 1 and, in combination, including limitations not taught or described in the reference of record.

Claim 9 positively recites an overlying hard protective film. Furthermore, Claim 9 positively recites that the film consists essentially of a material selected from the group consisting of silicon carbide, diamond-like carbon, silicon nitride, titanium nitride, aluminum nitride, beryllium oxide, and tantalum oxide. These advantageously claimed features are not taught or suggested by the patent granted to Herrmann et al.

The Applicants respectfully traverse the indication in the Office Action (pages 2-3) that the advantageously claimed hard protective film is described in column 2 lines 27 – 42. The Applicants submit that the metal oxide layer

described in that portion of the Herrmann patent is an attachment layer (column 2 lines 33-65) and therefore – by definition – not a hard protective layer.

In addition, the Applicants respectfully traverse the indication in the Office Action (page 3) that Herrmann teaches the use of silicon carbide, diamond-like carbon, silicon nitride, titanium nitride, aluminum nitride, beryllium oxide, and tantalum oxide in column 2 lines 41-42.

Therefore, the Applicants respectfully traverse the Examiner's rejection of Claim 9 and respectfully assert that Claim 9 is patentable over Harrmann et al. Furthermore, Claims 10 - 15 are allowable for depending on allowable independent Claim 9 and, in combination, including limitations not taught or described in the reference of record.

Claim 16 positively recites a hard protective film overlaying the surface of the resonance film. In addition, Claim 16 positively recites the hard protective film having a thickness that is substantially less than the sensing range. These advantageously claimed features are not taught or suggested by the patents granted to Herrmann et al. or Melendez et al., either alone or in combination.

The Applicants submit that the metal oxide layer described in that portion of the Herrmann patent is an attachment layer (column 2 lines 33-65) and therefore – by definition – not a hard protective layer. The Applicants also submit that the metal oxide layer described in that portion of the Herrmann patent does

not have a thickness (column 2 lines 36-38) that is substantially less than the sensing range as advantageously claimed.

Furthermore, the Applicants submit that Herrmann does not teach the use of silicon carbide, diamond-like carbon, silicon nitride, titanium nitride, aluminum nitride, beryllium oxide, and tantalum oxide in column 2 lines 41-42. Therefore, the Applicants respectfully traverse the indication in the Office Action (page 5) that Herrmann teaches the use of "a hard protective film formed of a material selected from the group consisting of silicon carbide, diamond-like carbon, silicon dioxide, silicon nitride, titanium oxide, titanium nitride, aluminum oxide, aluminum nitride, beryllium oxide, and tantalum oxide."

Melendez et al. does not teach the advantageously claimed invention because Melendez does not teach the use of the advantageously claimed hard protective film. Furthermore, if the teachings of Herrmann et al. are somehow combined with the teachings of Melendez et al. the fictitious combination does not include a hard protective film having a thickness that is substantially less than the sensing range, as advantageously claimed.

Therefore, the Applicants respectfully traverse the Examiner's rejection of Claim 16 and respectfully assert that Claim 16 is patentable over Harrmann et al. and Melendez et al. Furthermore, Claim 17 is allowable for depending on allowable independent Claim 16 and, in combination, including limitations not taught or described in the references of record.

For the reasons stated above, this application is believed to be in condition for allowance. Reexamination and reconsideration is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rose Alyssa Keagy". The signature is fluid and cursive, with a large, stylized initial "R".

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